

**Family Offender Sentencing Alternative (FOSA) as per SSB 6639 7/16/2010**

**Flow Chart**

**First Review Steps (for Superior Court):**

The Court assesses an individual who comes in for sentencing:

- 1) FOSA criteria for participation as per SSB 6639 met:
  - a. Not yet sentenced
  - b. No current or prior violent offenses
  - c. Facing a sentence of more than 12 months
  - d. Physical custody of a child or children under age 18 at time of offense.
  - e. No current or prior convictions for a sex or violent offense
  - f. Not subject to a deportation order
- 2) Offender had physical custody of child at time of offense. DOC will obtain information for Court as needed.
- 3) FOSA is deemed to be the most appropriate sentencing alternative by the Court.
- 4) Question is asked of offender if she/he has current or past involvement in a child welfare/child protective case in a state and/or Tribe.
- 5) Offender does not have conviction of a crime against a child.
- 6) Offender must sign and maintain Releases of Information (ROIs) for DOC and DSHS including Children's Administration and/or tribal child welfare, including HIPAA-protected mental health and chemical dependency information.



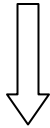
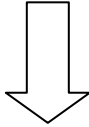
**Second Review Steps (for Court):**

Court requests additional documentation from Department of Corrections (DOC):

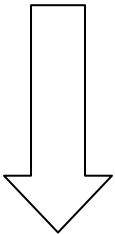
- 1) Information from Children's Administration (CA) (via DOC) on current and past child protective and child welfare involvement, including a check to determine child welfare involvement in other states, if reported by offender or noted by Children's Administration.
- 2) Information from Children's Administration and/or tribal child welfare on current or past child protective and child welfare involvement (if there is involvement in a tribal child welfare system)
- 3) Court may also request from DOC:
  - a. Risk Assessment Report: Report from DOC on historical involvement with offender (sentences, time served, crimes, infractions).
  - b. Chemical Dependency Screening Report
- 4) Court may also notify other courts (family courts, dependency courts, if there are other open court cases, for feedback on this option.



**If the individual qualifies (as above), then:**

- 
- 
- 1) Court waives standard range of sentence and places offender in community custody under FOSA for twelve months.
  - 2) Court may impose conditions as per SSB 6639: Community Conditions such as:
    - a. Parenting classes
    - b. Chemical Dependency Treatment
    - c. Mental Health Treatment
    - d. Vocational Training
    - e. Offender Change Programs
    - f. Life Skills Classes.
  - 3) Offender is required to report to DOC field office within 72 hours from release.

**Once an individual is sentenced under FOSA:**

- 
- 1) DOC may set additional conditions for the offender, in collaboration with the Department of Social and Health Services (DSHS) and/or Tribe, if applicable.
  - 2) DOC must report to the court any violations committed by the offender
  - 3) DOC shall provide quarterly progress reports to the court regarding the offender's participation and progress in required programming, treatment and other supervision requirements. If the offender is involved in other systems (mental health, chemical dependency, child welfare, etc.) DOC will communicate and collaborate with those entities via at minimum one meeting per quarter, and provide relevant information in the court report regarding other conditions or services required by DSHS and/or tribe.
  - 4) The court may bring the offender back into court at any time during the period of community custody to evaluate progress or to determine if violations have occurred. DOC retains authority to arrest and/or sanction the offender.

**Once the individual is in the community under FOSA:**

- 1) Offender must sign conditions of supervision for FOSA and determine an approved release residence.
- 2) CCO will coordinate and plan services, programming and treatment, in collaboration with DSHS, Tribe, or other entities.
- 3) Offender must maintain contact with DOC Community Corrections Officer (CCO) and maintain conditions of supervision.
- 4) DOC CCO will assist offender in applying for public services including Medical Assistance.
- 5) If there is current child welfare or child protective involvement: CCO must communicate with the offender's social worker minimum monthly. If a child is in the home and there is an open case, a face-to-face meeting with the child in the home is required weekly by the CCO. The DOC CCO and the social worker will seek to coordinate in-home visits at least quarterly in order to have joint visits with the family.
- 6) The DOC CCO must report any concerns related to child welfare to the social worker. Existing policies regarding mandatory reporting will be followed. It is the responsibility of the DOC CCO to talk with the social worker at least monthly on the phone or in person.
- 7) Services completed (such as urinalyses (UAs), parenting classes, chemical dependency treatment, etc.) will be recognized by all involved parties (such as Children's Administration, Economic Services Administration (WorkFirst, Disability Lifeline/GAU), Aging and Disability Services Administration, Tribal programs, etc. Information regarding those services will be shared with all involved parties and "count" towards all service or "condition" plans.
- 8) It is the responsibility of the DOC CCO to maintain up-to-date releases of information for all involved parties.

**Payment and coordination of services to the offender in the community:**

At minimum, DOC will convene (in person or by phone) a team meeting (including involved social or financial workers (DSHS, tribe), providers, and positive supports once a quarter. This staffing then will go into the report to the court for FOSA, or go to the DOC program administrator and DSHS primary contacts (CA, ESA, DBHR).

**Hierarchy of payment:**

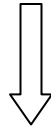
- 1) If Children's Administration has an open case and services ordered, they pay for services that are ordered under a juvenile court order
- 2) If tribal child welfare is involved (in WA state), check with CA to determine if they pay for tribal services, usually CA pays for services as ordered by tribal child welfare court.
- 3) If no CA or tribal child welfare involvement, or services are non-CA related, DOC pays for services via fiscal note.
- 4) If all above funding alternatives are exhausted, DSHS fiscal note funds for SSB 6639 will be utilized.

All services are recognized cross-agency, and shared cross-agency. Urinalyses will be conducted by vendors that witness the UAs, and the chain of custody will be admissible to court.

The payee (agency paying for services) makes the service referral but the coordinating point for all services/referrals is the DOC CCO.

Data (participants, services, collaboration, etc.) is tracked by the DOC program administrator, and/or the DOC CCOs. This information is shared with DSHS programs/Tribal programs as needed in order to fulfill the offender's program requirements, with current ROIs.

**If the offender is brought back to court due to violation(s):**



- 1) The court may modify conditions
- 2) Sanctions include the offender serving a term of total confinement within the standard range of the offender's current offense at any time.
- 3) If an offender is sentenced to total confinement (i.e. prison), the only credit for time served is any time spent in confinement (prison or jail, i.e. presentence time, violation time spent in confinement).